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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,333	03/18/2004	Takeshi Idemura	CANO:1005	7006
37013 7590 10/23/2009 ROSSI, KIMMS & McDOWELL, LLP. 20609 Gordon Park Square, Suite 150 Ashburn, VA 20147				
EXAMINER				
KHAN, USMAN A				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/804,333

Applicant(s)

IDEMURA ET AL.

Examiner

USMAN KHAN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 18, 23 and 26-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 18, 23 and 26-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's argument filed on 08/03/2009 with respect to newly added claims 13, 18, 23, 26-31 has been considered but is moot in view of the new ground(s) of rejection.

DETAILED ACTION

2. Applicant has amended claims 13, 24, and 26 to overcome the objection to claims 13, 24, and 26 provided in the previous office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13, 18, and 23, 26 - 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swayze (US Patent NO. 6,519,003).

Regarding **claim 13**, Swayze discloses an operation apparatus (figure 3 item 40) which is used for operating a zoom lens (figure 2 item 42), comprising:

a zooming switch operated to perform a zooming operation of the zoom lens (figure 3 item 14 and column 5 lines 5 *et seq.*);

a first function switch configured to be allocated with one of a plurality of functions selectively, the first function switch being provided on a first surface of the

operation apparatus (figure 3 any one of item 140, 142, and/or 144; also, column 5 lines 43 *et seq.*);

a second function switch configured to be allocated with another of the plurality of functions selectively (figure 3 any one of item 140, 142, and/or 144; also, column 5 lines 43 *et seq.*);

an operation switch operated to respectively allocate the one and the other of the plurality of functions to the first function switch and the second function switch for enabling performance of the function allocated to each of the first and second function switches in response to an operation of each of the first and second function switches (figures 2 and 3 item 70); and

a display member which is provided on the first surface and displays a name of each of the first and second function switches and the function allocated to each of the first and second function switches (figure 3 item 146; also, column 5 lines 43 *et seq.*), wherein the zooming switch, the first function switch, the second function switch and the operation switch are mutually separate switches (figure 3 item 14, figure 3 any one of item 140, 142, and/or 144, also, figures 2 and 3 item 70).

However, Swayze fails to teach the second function switch being provided on a second surface of the operation apparatus which is a separate surface from the first surface.

Although, Swayze does not explicitly mention second function switch on a second surface of the apparatus separate from the first surface, Swayze in figures 2 – 3 does teach that switches 140, 142, and 144 are mutually separate switches located in

different sections of the camera body. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place each separate switch in any section of the camera body since a person of ordinary skill has a good reason to pursue the known options within his or her technical grasp, if this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense and would lead to an improved user experience and interface.

Furthermore, the claim would have been obvious to one having ordinary skill in the art at the time the invention was made to place each separate switch in any section of the camera body as a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art as evidenced by Swayze (figures 2 – 3 switches 140, 142, and 144) wherein is thought the concept of to place each separate switch in any section of the camera body is well known in the art and would lead to an improved user experience and interface.

Regarding **claim 18**, as mentioned above in the discussion of claim 13 Swayze teaches all of the limitations of the parent claim, additionally Swayze teaches an image-taking system (figures 2 and 3) comprising: the operation apparatus according to claim 13 (please see discussion of claim 13 above); and the zoom lens (figure 2 item 42).

Regarding **claim 23**, as mentioned above in the discussion of claim 13 Swayze teaches all of the limitations of the parent claim, additionally Swayze teaches a camera (figures 2 and 3) comprising: an image-pickup element (figure 2 item 44); the operation

apparatus according to claim 13 (please see discussion of claim 13 above); and the zoom lens which forms an image of an object on the image-pickup element (figure 2 items 42 and 44).

Regarding **claim 26**, Swayze discloses an operation apparatus (figure 3 item 40) which is used for operating a zoom lens (figure 2 item 42), comprising:

a zooming switch operated to perform a zooming operation of the zoom lens (figure 3 item 14 and column 5 lines 5 *et seq.*);

a first function switch configured to be allocated with one of a plurality of functions selectively and to be set so as to be allocated with no function, the first function switch being provided on a first surface of the operation apparatus (figure 3 any one of item 140, 142, and/or 144; also, column 5 lines 43 *et seq.*);

a second function switch configured to be allocated with another of the plurality of functions selectively (figure 3 any one of item 140, 142, and/or 144; also, column 5 lines 43 *et seq.*);

an operation switch operated to respectively allocate the one and the other of the plurality of functions to the first function switch and the second function switch for enabling performance of the function allocated to each of the first and second function switches in response to an operation of each of the first and second function switches (figures 2 and 3 item 70), and operated to set at least one of the first and second function switches so as to be allocated with no function (figures 2 and 3 item 70); and

a display member which is provided on the first surface and displays a name of

each of the first and second function switches and the function allocated to each of the first and second function switches (figure 3 item 146; also, column 5 lines 43 *et seq.*), wherein the zooming switch, the first function switch, the second function switch and the operation switch are mutually separate switches (figure 3 item 14, figure 3 any one of item 140, 142, and/or 144, also, figures 2 and 3 item 70).

However, Swayze fails to teach the second function switch being provided on a second surface of the operation apparatus which is a separate surface from the first surface.

Although, Swayze does not explicitly mention second function switch on a second surface of the apparatus separate from the first surface, Swayze in figures 2 – 3 does teach that switches 140, 142, and 144 are mutually separate switches located in different sections of the camera body. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place each separate switch in any section of the camera body since a person of ordinary skill has a good reason to pursue the known options within his or her technical grasp, if this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense and would lead to an improved user experience and interface.

Furthermore, the claim would have been obvious to one having ordinary skill in the art at the time the invention was made to place each separate switch in any section of the camera body as a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art as evidenced by Swayze (figures 2 – 3 switches 140, 142, and 144) wherein is thought the concept of to place each separate

switch in any section of the camera body is well known in the art and would lead to an improved user experience and interface.

Regarding **claim 27**, as mentioned above in the discussion of claim 26 Swayze teaches all of the limitations of the parent claim, additionally Swayze teaches a camera (figures 2 and 3) comprising: an image-pickup element (figure 2 item 44); the operation apparatus according to claim 13 (please see discussion of claim 13 above); and the zoom lens which forms an image of an object on the image-pickup element (figure 2 items 42 and 44).

Regarding **claim 28**, as mentioned above in the discussion of claim 13 Swayze teaches all of the limitations of the parent claim.

However, Swayze fails to teach the zooming switch is provided on the second surface.

Although, Swayze does not explicitly mention the zooming switch is provided on the second surface, Swayze in figure 3 item 14 does teach that the zoom switch is a mutually separate switch located in a different section of the camera body from the other switches. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place each separate switch in any section of the camera body since a person of ordinary skill has a good reason to pursue the known options within his or her technical grasp, if this leads to the anticipated success,

it is likely the product not of innovation but of ordinary skill and common sense and would lead to an improved user experience and interface.

Furthermore, the claim would have been obvious to one having ordinary skill in the art at the time the invention was made to place each separate switch in any section of the camera body as a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art as evidenced by Swayze (figure 3 switch 14) wherein is thought the concept of to place each separate switch in any section of the camera body is well known in the art and would lead to an improved user experience and interface.

Regarding **claim 29**, as mentioned above in the discussion of claim 13 Swayze teaches all of the limitations of the parent claim.

However, Swayze fails to teach the operation switch is provided on the second surface.

Although, Swayze does not explicitly mention the operation switch is provided on the second surface, Swayze in figures 2 - 3 item 70 does teach that the zoom switch is a mutually separate switch located in a different section of the camera body from the other switches. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place each separate switch in any section of the camera body since a person of ordinary skill has a good reason to pursue the known options within his or her technical grasp, if this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense and

would lead to an improved user experience and interface.

Furthermore, the claim would have been obvious to one having ordinary skill in the art at the time the invention was made to place each separate switch in any section of the camera body as a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art as evidenced by Swayze (figures 2 - 3 switch 70) wherein is thought the concept of to place each separate switch in any section of the camera body is well known in the art and would lead to an improved user experience and interface.

Regarding **claim 30**, as mentioned above in the discussion of claim 26 Swayze teaches all of the limitations of the parent claim.

However, Swayze fails to teach the zooming switch is provided on the second surface.

Although, Swayze does not explicitly mention the zooming switch is provided on the second surface, Swayze in figure 3 item 14 does teach that the zoom switch is a mutually separate switch located in a different section of the camera body from the other switches. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place each separate switch in any section of the camera body since a person of ordinary skill has a good reason to pursue the known options within his or her technical grasp, if this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense and would lead to an improved user experience and interface.

Furthermore, the claim would have been obvious to one having ordinary skill in the art at the time the invention was made to place each separate switch in any section of the camera body as a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art as evidenced by Swayze (figure 3 switch 14) wherein is thought the concept of to place each separate switch in any section of the camera body is well known in the art and would lead to an improved user experience and interface.

Regarding **claim 31**, as mentioned above in the discussion of claim 26 Swayze teaches all of the limitations of the parent claim.

However, Swayze fails to teach the operation switch is provided on the second surface.

Although, Swayze does not explicitly mention the operation switch is provided on

the second surface, Swayze in figures 2 - 3 item 70 does teach that the zoom switch is a mutually separate switch located in a different section of the camera body from the other switches. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place each separate switch in any section of the camera body since a person of ordinary skill has a good reason to pursue the known options within his or her technical grasp, if this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense and would lead to an improved user experience and interface.

Furthermore, the claim would have been obvious to one having ordinary skill in the art at the time the invention was made to place each separate switch in any section of the camera body as a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art as evidenced by Swayze (figures 2 - 3 switch 70) wherein is thought the concept of to place each separate switch in any section of the camera body is well known in the art and would lead to an improved user experience and interface.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

5. a shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Fri 6:45-3:15.
7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (571) 272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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